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[445] they are by bringing along "Mates" and "Calabazas," i.e. bowls and pitchers made of the rind of pumpkin-like fruit, into which they put the greatest part of the food and drink offered in order to carry them home. Only when everybody has eaten until he is ready to burst and the majority are rather drunk, the wedding draws to a close. The young couple is finally left alone and may go to their hut. But before the couple are allowed to enjoy their love to the full, they must pass through a long cruel (because it is continent) trial period. They live and sleep together under their
[286] common mosquito-net made of cotton with red flowers, but not as husband and wife, but as brother and sister, and they are not allowed to touch each other for an entire year. They must remain pious, chaste and abstemious, no matter how difficult it may be for them. The purpose is to steel the virtue of abstemiousness and the strength of will. Only when this period of fasting and trial is over, may they succumb to the ecstasies of love. Woe to those
684 who cannot withstand and secretely attempt to taste of the forbidden fruit before the end of the trial year--if discovered they pay for their crime with their lives or have to seek refuge immediately in another territory which cannot be reached by the punishing arm of their strict rulers. Only once I had occasion to watch how a fiance, who was violently in love, gingerly and furtively with trembling hands touched the arm and naked breast of his betrothed.

302 During this year of betrothal they use red and black plant juices
584 to paint their faces, chests, arms and legs with streaks and dots. This custom corresponds to our engagement announcements and wedding rings.

846 Immediately after the birth of a baby, the young mother gets
[515] up from her bed, goes to the river and bathes. Bathing in the river is one of the Cayapas' passions. Each and everyone of them take at least two or even three baths per day. The young mother has barely left her child when the grandmother cleans it up a bit, puts it down again; and then the father lies down with it, staying in bed with the child from three to five weeks, letting his wife nurse him, just as though he were the woman in child-bed, who had gone through the pains of childbirth and was in need of recuperating and nursing care. The young mother, on the other hand, does her usual work already an hour after delivery, attending to her daily chores as though nothing had happened. This strange custom is connected with their religious concepts and their fear of evil spirits

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

declare the Cayapa absolutely honest. It is claimed also that murder and other major crimes are entirely unknown among them.

On the other hand, there are strict rules with respect to marital relations, any infringement of which meets with severe punishment. The details of this phase of Cayapa life will be discussed in dealing with the subject of marriage. The Cayapa themselves claim that in aboriginal times the same regulations in respect to these matters were in vogue, but presumably they may have been at least strengthened, if not considerably influenced, by the rigid church laws introduced by missionaries.

It is said that formerly, when the Cayapa were a united mountain people residing in a village community, there was but one chief and one government for all, but that soon after they settled along the banks of the river they became segregated into the three divisions as above mentioned. There then arose the three separate villages for fiestas and other gatherings, and the three separate and independent governments. No special reason for this separation is given by the Cayapa, other than that it was more convenient than to have a single central government; and no explanation could be obtained as to how the officials of the three separate governments were first appointed or elected.

It is said that in aboriginal times the inauguration of a new official was attended by no special ceremony, but that he automatically assumed the duties of his office on the death of his predecessor. At present, however, such a person enters on these duties only after having been duly inducted by the priest during his annual visit to the

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

the morning had remained one in one room and one in another, each specially dressed for the occasion, and each with a cloth carefully bound so as to cover the mouth. The groom was attended by his godfather, the bride by her godmother, and neither conversed with any other persons. The same silence and covering of the mouth were maintained throughout the feast, and indeed throughout the remainder of the day. Toward the end of the feast, one of the officials delivered an extended address in which he exhorted the bride and groom to live peacefully and helpfully together, and outlined the paths each should follow in order to insure model married life for themselves and a useful career to the community. He especially warned the groom that under no circumstances had he any right or privilege in chastising the bride, but that in case she were to become remiss in any of her duties he was bound to report the matter to the chief or to some other official, whose duty it was to see that she was properly punished. Likewise he was warned that remissness on his part would also be met by the officials with severe castigation.

The feast being ended with the usual benediction, and the floor having been cleared, dancing was next in order. Practically all dancing among the Cayapa consists, as is elsewhere described, of a kind of shuffling step back and forth along a line in the middle of the dance floor. A single couple only participate in one of these sets, the man dancing backward, followed by the woman, and vice versa.

A feature of special note in connection with the wedding dance is the order in which the participants came

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

the adjoining room, and placed the two under it. They were followed to the canopy by the musicians and by all the spectators, the former playing their rattles, beating their drums, and whacking sticks most noisily, and all calling and shouting and making every manner of fun. Having been thus escorted to their mosquito canopy, the ceremony was ended, and the bride and groom were at liberty to remove their finery, appear in their usual dress, and go about without further restriction. 585

The Cayapa maintain that not only at present, under the influence of the Catholic Church, but also in aboriginal times, marriage between near relatives was strictly forbidden. Even marriage between remote cousins is prohibited. This relationship of cousin, however, is regarded in a way somewhat different from that of civilized peoples. Further in case of the death of a man or his wife, the survivor is prohibited from marrying any other member of his or her family. 582

Divorce is now strictly prohibited, and the Cayapa maintain that it was unknown even before they came under church influence. It is also held that even before the establishment of the church among them the family relations were as sacred and the family ties as binding as at the present time. Divorce, however, is only a theoretical prohibition. As a matter of fact it does occur at the present time, although very rarely. A man or a woman leaving his or her spouse is, if apprehended, severely punished by the Cayapa officials and every effort is made to force reconciliation. Although sometimes these efforts are successful, cases are known 586 586 684

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

586 in which, in order to escape the wrath of public opinion
684 and castigation by the officials, offenders against the divorce laws have left the Cayapa country entirely and taken up their abode in Colombia or in the interior of Ecuador. The same applies to the laws relating to
582 marriage between near relatives. The evasion or the
684 open violation of either the laws of divorce or those governing consanguineal marriage are, however, of such rare occurrence that the laws may be said to operate almost perfectly, and they, together with the laws requiring chastity and fidelity in both sexes, certainly produce a salutary moral effect on the community. In fact, it is most exceptional to find a tribe or a community of the size of the Cayapa in which the ethical standards are so high and so strictly observed.

DEATH

761 As was stated in speaking of medicine practices, death
753 is ordinarily attributed to the presence of malevolent
776 spirits in the body, whither they find their way by various
[754] means. For instance, they may be placed by some malicious shaman in the soul of the individual as it wanders about during sleep, or they may enter directly into the body as one passes some particular spot believed to be infested with these malicious, disease-breeding spirits.

774 There seems to be a difference of opinion as to the
775 soul. One informant maintained that there are numer-
177 ous souls, each residing in a different part of the body; that the one in the chest is the largest and most im-

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

upon the table; the rest was divided into small bits, and, after an invocation by the warden of the church, the men and boys, all seated on low benches about the table, proceeded to feast. The women meanwhile partook of a portion of the food that had been sent to the next room to them. Having finished the meal, a benediction was pronounced by the warden and the floor was cleared of all scraps of food and the leaves forming the table.

Immediately fresh leaves were spread as at first, and the boda, the word being here used in its more restricted sense, was served. While an ofrenda has a very elaborate assortment of foods, a boda has only fish, oysters, or meats cooked in ripe plantain in the form of a thick gruel. This is served always in the aboriginal pottery plates of the kind shown in pl. LXXXVII, 4, although for everyday use dishes of European manufacture have almost entirely supplanted the pottery plates formerly used. In this particular case the boda consisted of a single course of plantain and fish, but sometimes other courses are served in order. The feast having been finished, the majority of the people went to their respective abodes in the village or to the house of the chief.

At such gatherings offenders against the law are usually brought before the chief, by whom justice is dispensed and differences between individuals adjudicated. On this particular occasion several matters of this nature demanded the chief's attention. The details of these will show something of the methods of dispensing justice among the Cayapa.

Immediately after the boda on this first day the chief sent some officers to bring before him certain offenders

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

against the law. The offenders were, in this case, a man and a woman. The man had deserted his wife and child after abusing them for a considerable time and had assumed relations with a young widow. He had therefore been guilty not only of infidelity and abuse, but also of violating the immutable law forbidding divorce. The woman's crime was somewhat less grave. Being a widow, she had a right to remarry, but she had no claim to the husband of another woman. In justice to the Cayapa as a tribe it should here be remarked, as has been elsewhere pointed out, that cases of infidelity, wife-desertion, and abuse are extremely rare. Almost without exception the family relations are held sacred by both men and women, and in general the relations existing between the sexes are governed by stringent laws which are regarded faithfully. In this instance both the offenders were brought to the house of the chief and were placed in the stocks where they remained during the afternoon. The man displayed no sign of emotion, but the woman wailed and chanted the greater part of the time. Both were remonstrated with by friends, and the mother of the woman sat beside her almost constantly, weeping and chanting her plaint at the disgrace that had been brought upon the family by the daughter's misconduct.

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It would appear that the keeping of such offenders for many hours in the stocks is an exemplary measure and is done for the effect which it will have on the community at large. The punishment which they are to receive is often decided on long before its infliction, but they are kept in the stocks as an example to the people at large

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

ably due in part to the increased drunkenness, which was apparent throughout the day, but was due more largely to the greed of several negroes present.

After this feast the floor was cleared of remnants of the meal and of the leaves used to make the table. The second feast, the boda, was then served as usual. This consisted of three courses, each served on the same plate in the case of each individual, care being used in replenishing the supply that the plates of different individuals should not be interchanged. The three courses of these mush-like foods consisted of plantain with fish, plantain with meat, and plantain with oysters. In case any individual did not eat any or all of his portion, it was taken to the next room by the host or by one of the attendants and given to one of the women of his family. The men giving the boda served the guests, while the women attended to filling the plates.

In this particular instance the whole of the previous night had been spent by the hostess and her friends in cooking and preparing the plantain mushes used in this boda. While hot they were poured into burden-baskets lined with leaves. When served they were cold and very thick.

Immediately following the feasts another refractory pair were brought to justice. In this case the man had forsaken his wife and for three months had been living with his first cousin, who had deserted her husband. Each of the culprits, therefore, was charged with the double crime of desertion of spouse and cohabitation with first cousin. These are considered great breaches of tribal law and are severely punished. As on the previous day,

3: Barrett E-5 (1908-1909)1925
SD 6 Cayapa SD6

the offenders were placed in the stocks, remonstrated with by relatives and friends, and finally whipped. In this case the man received a hundred and seventy-five lashes, or thirty-five strokes of the cat-o'-nine-tails, and in addition was required to pay a fine in money amounting to about fifteen or twenty sucres. The woman's punishment was a hundred and twenty-five lashes, or twenty-five strokes. The greater severity of the punishment in the cases of these two offenders was due to the fact that they were first cousins, which relationship prohibits marriage under any consideration.

Another example of punishment was witnessed late in the afternoon. A young man had inbided freely and while in his cups ran amuck in two or three houses. Others endeavored to quiet him, and to hold him and prevent serious trouble, but he seemed crazed with the rum and determined to fight, until finally it became necessary for officers to take him in hand. After a struggle he was carried to the stocks and secured by one foot. He fought desperately to release himself, but finally fell asleep and after several hours awoke in a much better mood.

In this instance was shown a good example of the devotion of the Cayapa women. Throughout his drunken frenzy the young man's mother had endeavored to quiet him, and for her trouble been struck by him repeatedly. Nevertheless, as soon as he quieted down in the stocks she took up her station beside him and fanned him almost continuously during the time he slept. Such instances are very common. It is not considered a disgrace for anyone, either man or woman, to become intoxicated,

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[For cases involving sex and marital offenses and the punishments imposed see category 116, pp. 131-139, 148-188.]

4:Altschuler E-5 (1959-1960) 1965
SD6 Cayapa SD6

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In marked contrast to the sexual sphere, decisions involving land always involved a compromise solution, a balancing of conflicting claims. It appears to the writer that compromise solutions of this type preclude punishment for the usurper. Restitution rather than punishment or partial profit marks settlement of pig-stealing cases, because the thief does not have a claim based upon productive work. The compromise solutions in land disputes reflect a basic acceptance by all parties to the dispute that work validates ownership and keeps the boundary lines and title clear.

and probed and usually found wanting.

Cayapa law readily lends itself to a division into Civil and Criminal law. The former is concerned mainly with property (especially land) while the latter is preeminently concerned with sexual behavior and sin. In the realm of Cayapa Civil law, especially in cases that involve land, legal decisions are compromises in the sense that the usurper is permitted limited return on his labor. There is agreement by all parties to the dispute that land as such is owned, but lacking written records, the best proof that a claimant to land ownership has is evidence of his having worked the land he claims. Work is the best validation of ownership, but the land need not be continuously worked; however, as work is neglected, and as memories fade, ownership is contested. Basically, land disputes involve a claim by the usurper that the original ownership is in jeopardy. These claims are always balanced with the claims of the owner and a compromise solution is reached. The land, in effect, is shared for a period of time and the owner is warned that he must continue to work his land intensively or be subject to further challenges to his ownership. Compromise is an effective

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solution and serves to exclude the chief from entangling alliances with one party as opposed to the other. Whether this serves to enhance the position of the chief in his role as third person in the legal process, is not clear. Aubert (1963) believes that mediating decisions foster independence for the third party office, as well as increased prestige. Structurally, the office of /ũn^{y}i/ is an independent one that does not permit the formation of alliances with groups that are virtually impossible to form anyway, given the social and psychological structure of Cayapa culture.

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In the legal materials dealing with land it is seen that all of the parties to the dispute were in complete agreement as to the nature of land and its ownership. Conflict does not involve different value positions on the part of the disputants but rather individuals are competing for scarce goods that embody shared cultural values. Polygyny among the Cayapa represents a mixture of competing interests, as in land disputes, and also some lack of agreement as to what the basic issues and values are. Women are valued goods, in a sense, that at present are in scant supply. A compromise solution, as in land disputes, is not

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possible to reach, inasmuch as the religious element of sin is also a factor, and the /šamᵛi/ cannot condone sin. He must condemn the parties involved in the polygynous marriage. The dispute does not involve a conflict of interests, as in the land cases, but rather new values that markedly conflict with traditional values. The individuals holding the new values refuse to accept an aligned decision, that is, a decision based in effect on an "alliance" with the believers of the traditional values. Ultimately, if the unilateral decision against polygyny cannot be enforced, it is superseded by de facto compromise. Thus, if the parties have been punished once but persist in their sinful behavior, further punishment is left to God, and the polygynous union may continue. [696]

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For cases of incest and adultery, the conflict of interest, although present, is minimal. In addition, conflicting values are not an issue, as no one seriously presents a new value position that encourages incest and adulterous behavior. The nature of incest and adultery is such that a compromise solution, while not impossible perhaps, is improbable. In these cases, where sinful behavior is at issue, the official can adopt a unilateral [695]

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non-compromise position. Persistence in transgression, however, is tantamount to the defense of new value positions that leads to de facto compromise. The Cayapa judge, with the legal avenues that are open to him, cannot handle a strong personality, that is, one that either develops new values, as the polygynist, or the one that refuses to be deterred from wrongdoing, as in the case of the persistently incestuous couple.

Eventually, de facto compromise may assume the dignity of social acceptance. The effective restraint of the poor would-be polygynist, as opposed to the de facto acceptance of the wealthy polygynists, may lead to the formation of class distinctions: that is, a wealthy man will be permitted to have more than one wife but a poor man will not be permitted to enjoy this privilege. Normally, it would be expected that incest could achieve social acceptance only with great difficulty, but from an examination of the case of Lorenzo Anapa (p. 139) it becomes clear that the incest range for some people is narrowing considerably, for in this case the incestuous arrangement has been given the express approval of the families concerned and de facto

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compromise on the part of the /ún^{y}i/ permits the continuance of this union.

Many things somewhat beyond the ordinary cannot be handled directly, but only by means of de facto compromise or latently. Every society is an action system that in one degree or another utilizes specific innovations for definite ends. Often, the latent functions of an innovation incur more sweeping changes than do the manifest ones. For example, the manifest function of the Indian school was to increase literacy. Its latent function was to increase homosexual behavior. The cultural emphasis for the Cayapa seems to be that of latency, and sweeping changes come about, not because they are sought, but because the socio-psychological matrix of the law can only permit de facto acceptance of threats to basic values.

Cayapa law, in terms of de jure decisions is not at all able to "redefine relations between individuals and groups as the conditions of life change" (Hoebel 1954:275). Cayapa culture is not, however, moribund. Extraordinary socio-cultural changes are taking place precisely because the law cannot accommodate